

## **Appendix E**

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### *Forms and Notices*



# NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), Hamilton County will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

***Employment:*** Hamilton County does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

***Effective Communication:*** Hamilton County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Hamilton County's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

***Modifications to Policies and Procedures:*** Hamilton County will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Hamilton County offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Hamilton County, should contact the office of **Steven Rushforth - ADA Coordinator** at 317- 770-1976 as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require Hamilton County to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of Hamilton County is not accessible to persons with disabilities should be directed to **Steven Rushforth - ADA Coordinator** at 317- 770-1976.

Hamilton County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

**RESOLUTION 11-28-11-1**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF HAMILTON COUNTY, INDIANA TO ADOPT AN ADA GRIEVANCE PROCEDURE**

**WHEREAS**, All state and local governments must provide pedestrian access for persons with disabilities in compliance with the 1990 American with Disabilities Act (ADA) Title II; and

**WHEREAS**, Hamilton County is required to adopt and publish procedures for resolving grievances arising under Title II of the ADA; and

**WHEREAS**, it is Hamilton County's interest and goal to be compliant with Title II of the ADA and to increase access to services, locations, activities, programs and benefits to its citizens; and

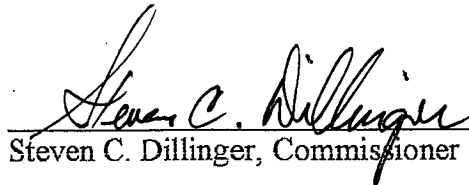
**WHEREAS**, the proposed grievance procedure attached hereto allows for the disputes regarding alleged disability discrimination to be addressed and resolved at the local level for the convenience and benefit of all involved.

**LET IT NOW BE RESOLVED**, by the Board of Commissioners of Hamilton County, Indiana this 28th day of November, 2011 that Hamilton County adopts the ADA grievance procedure attached hereto for anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits provided by or established by Hamilton County.

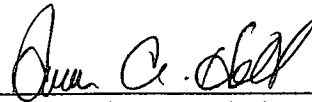
**PASSED AND RESOLVED** by the Board of Commissioners of the County of  
Hamilton, Indiana, this 28th day of November, 2011.



Christine Altman, Commissioner



Steven C. Dillinger, Commissioner



Steven A. Holt, Commissioner

ATTEST:



Dawn Coverdale, Hamilton County Auditor

# **Hamilton County Grievance Procedure under The Americans with Disabilities Act**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by **Hamilton County**. **Hamilton County's** Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 180 calendar days after the alleged violation to: **Steven Rushforth ADA Coordinator/ Safety & Risk Manager, One Hamilton County Square, Suite 308, Noblesville, IN 46060**

Within 15 calendar days after receipt of the complaint, **Steven Rushforth** or *his* designee will arrange to meet with the complainant to discuss the complaint and the possible resolutions. Within 21 calendar days of the meeting, **Steven Rushforth** or *his* designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of **Hamilton County** and offer options for substantive resolution of the complaint.

If the response by **Steven Rushforth** or *his* designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the **County Commissioners** or their designee.

Within 15 calendar days after receipt of the appeal, the **County Commissioners** or *their* designee will arrange to meet with the complainant to discuss the complaint and possible resolutions. Within 21 calendar days after the meeting, the **County Commissioners** or *their* designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by **Steven Rushforth** or *his* designee, appeals to the **County Commissioners** or *their* designee, and responses from these two offices will be retained by **Hamilton County** for at least three years.

If the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminatory practice(s), he or she shall be advised of their rights to appeal Hamilton County's decision to INDOT, Federal Transit Administration, U.S. Department of Transportation or U.S. Department of Justice. The complainant has 180 calendar days after the appropriate County's final resolution to appeal to USDOT.



**Steven Rushforth**  
AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR  
One Hamilton County Square, Suite 308  
Noblesville, IN 46060  
Steven.Rushforth@hamiltoncounty.in.gov  
TEL: (317) 770-1976 FAX: (317) 770-8875

**Title II of the Americans with Disabilities Act**

**GRIEVANCE FORM**

**I. COMPLAINANT INFORMATION**

Name of Complainant:

\_\_\_\_\_ Last MI First

Address:

\_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_ E-mail address:

\_\_\_\_\_

Preferred Method(s) of Communication: (Check all that apply)

☐ Voice Telephone ☐ TTY ☐ E-mail ☐ US Mail ☐ Other: \_\_\_\_\_

**II. DESCRIBE YOUR COMPLAINT OF DISCRIMINATION BASED UPON DISABILITY.** Be specific and give date(s), time(s) and location(s). Use the reverse side of this sheet or attached pages, if needed.

- III. **PERSONS NAMED IN YOUR COMPLAINT.** List the names of (or describe) all persons involved in your complaint. Indicate the job title and County Department if possible.
- IV. **WITNESSES TO YOUR COMPLAINT.** List the names of (or describe) all persons involved in your complaint. Indicate the job title and County Department, if possible.
- V. **EVIDENCE AND DOCUMENTATION.** List and provide any physical evidence, written or recorded documents, or any other information that directly supports your specific claim of discrimination.
- VI. **CASE REMEDY AND/OR RESOLUTION.** What remedies or resolutions are you seeking?

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**CERTIFICATION**

**I hereby certify that the information and statements provided above are true.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

If Complainant is not the individual completing this form, please provide:



Representative's Printed Name:

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Address: \_\_\_\_\_ Telephone Number:

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For more information or assistance in completing this form, please contact Steven Rushforth – ADA Coordinator via (direct line) 317-770-1976, (fax) 317-770-8875 or (email) [steven.rushforth@hamiltoncounty.in.gov](mailto:steven.rushforth@hamiltoncounty.in.gov)

Annual Log of Facilities Complaints  
(Title VI)

Name , Address & Contact Information	Date Reported	Basis of Complaint	Disposition of Complaint	Date Completed

Year \_\_\_\_\_

ADA Facilities Coordinator

**RESOLUTION 11-28-11-2**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF HAMILTON COUNTY  
ADOPTING ACCESSIBLE DESIGN STANDARDS FOR BUILDINGS AND FACILITIES  
OWNED AND MAINTAINED BY HAMILTON COUNTY**

**WHEREAS**, Hamilton County ("the County") desires to create a transition plan to bring its facilities and buildings to current accessibility standards as established by the Americans with Disabilities Act of 1990("ADA"); and,

**WHEREAS** the County desires to adopt standards for accessible design for persons with disabilities for the facilities and buildings owned and maintained by the County to create the transition plan; and,

**WHEREAS** the County desires to adopt standards for accessible design for persons with disabilities for new construction and remodeling of buildings and facilities owned by the County.

**IT IS THEREBY RESOLVED** by the Board of Commissioners of Hamilton County, Indiana that Hamilton County adopts the Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines ("ADAAG") published by the United States Access Board in 2004 as the standards pertaining to accessible design when designing new buildings and facilities, remodeling existing buildings and facilities, and when improving buildings and facilities in accordance with the transition plan. The ADAAG standards shall be used to determine if the existing facilities and buildings are currently compliant or if they need to be included in the transition plan.

ADAAG allows for certain facilities to be exempted for various reasons. The Board of Commissioners shall approve or reject any application to exempt a facility from the accessibility requirements. Applications shall explain the reasons why a facility should be exempted from the accessibility standards and also explain the counter measures or alternatives that may be available or

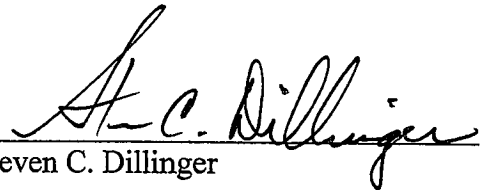
made available so that a person with a disability has access. A copy of any approved exemptions shall be kept on file with the ADA Coordinator as part of the County's ADA transition plan.

**ALL OF WHICH IS RESOLVED** by the Board of Commissioners of Hamilton County, Indiana this 28th day of November, 2011.

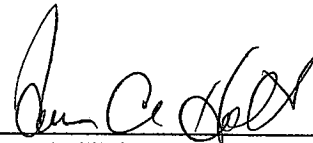
BOARD OF COMMISSIONERS OF  
HAMILTON COUNTY



Christine Altman



Steven C. Dillinger



Steven A. Holt

ATTEST:



Dawn Coverdale, Hamilton County Auditor

## **AMERICANS WITH DISABILITIES ACT (ADA)**

### **Hamilton County Personnel and the ADA:**

It is the policy of the County that qualified individuals with disabilities will not be excluded from participation in or benefit from the services, programs or activities of the County. It is the policy of the County not to discriminate against a qualified individual with a disability in: job application procedures; the hiring, advancement or discharge of employees; employee compensation; job training, and other terms, conditions and privileges of employment. It is the intent of the County to comply with all applicable requirements of the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act of 2008 (ADAAA).

As used in this policy, the following terms have the indicated meaning:

- Disability: A physical or mental impairment that substantially limits one or more major life activities of the individual, a record of such an impairment, or being regarded as having such an impairment.
- Major life activities: Term includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.
- Major bodily functions: A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
- Substantially limiting: In accordance with the ADAAA final regulations, the determination of whether an impairment substantially limits a major life activity requires an individualized assessment, and an impairment that is episodic or in remission may also meet the definition of disability if it would substantially limit a major life activity when active. Some examples of these types of impairments may include epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder and schizophrenia. An impairment, such as cancer that is in remission but that may possibly return in a substantially limiting form, is also considered a disability under EEOC final ADAAA regulations.

During the hiring process and before a conditional offer is made, Elected Officials and/or Department Heads may not ask an applicant whether s/he needs a reasonable accommodation for the job, except when the employer knows that an applicant has a disability -- either because it is obvious or the applicant has voluntarily disclosed the information -- and could reasonably believe that the

applicant will need a reasonable accommodation to perform specific job functions. If the applicant replies that s/he needs a reasonable accommodation, the employer may inquire as to what type.

After a conditional offer of employment is extended, an employer may inquire whether applicants will need reasonable accommodations related to anything connected with the job (i.e., job performance or access to benefits/privileges of the job).

The County has prepared job descriptions for each employee position, which describe the essential functions of the position. These job descriptions will be used to evaluate individual accommodations that may be made by the County. Employees requesting an employment accommodation are advised to contact their Elected Official or Department Head. Reasonable accommodations must be considered for qualified employees regardless of whether they work part-time or full-time or are considered "probationary."

It is important for Elected Officials/Department Heads and an individual with a disability to engage in a prompt dialogue to clarify individual needs and identify an appropriate reasonable accommodation(s) when possible. The Human Resources Department is available to assist supervisors and employees to identify reasonable accommodations.

If a person is not able to perform the essential functions of a job, even with reasonable accommodation, the person is not qualified for the position.

The County will reasonably accommodate persons with a disability on a case-by-case basis, which may include making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules, modifying equipment, reassignment to a vacant position or similar accommodations.

An employee with a disability who is granted leave as a reasonable accommodation is entitled to return to his/her same position unless Hamilton County demonstrates that holding open the position would impose an undue hardship. If it is an undue hardship under the ADA to hold open an employee's position during a period of leave, or an employee is no longer qualified to return to his/her original position, then the Elected Officials and/or Department Head shall consider reassigning the employee (absent undue hardship) to a vacant position for which s/he is qualified.

The ADA specifically lists "reassignment to a vacant position" as a form of reasonable accommodation. This type of reasonable accommodation is considered when an employee who, because of a disability, can no longer perform the essential functions of his/her current position, with or without reasonable accommodation, unless the employer can show that it would be an undue hardship. If there is no vacant equivalent position, consideration can be made to

reassign an employee to a vacant lower level position for which the individual is qualified. Assuming there is more than one vacancy for which the employee is qualified, the Elected Official and/or Department Head should consult with the employee about his/her preference before determining the position to which the employee may be reassigned. Reassignment does not include giving an employee a promotion. Thus, an employee must compete for any vacant position that would constitute a promotion.

An employee must be "qualified" for the new position. An employee is "qualified" for a position if s/he: (1) satisfies the requisite skill, experience, education, and other job-related requirements of the position, and (2) can perform the essential functions of the new position, with or without reasonable accommodation.

Before considering reassignment as a reasonable accommodation, an Elected Official and/or Department Head should first consider those accommodations that would enable an employee to remain in his/her current position. Reassignment is the reasonable accommodation of last resort and is required only after it has been determined that: (1) there are no effective accommodations that will enable the employee to perform the essential functions of his/her current position, or (2) all other reasonable accommodations would impose an undue hardship. However, if both the employer and the employee voluntarily agree that transfer is preferable to remaining in the current position with some form of reasonable accommodation, then the Elected Official and/or Department Head may transfer the employee.

The term "vacant" means that the position is available when the employee asks for reasonable accommodation, or that the Elected Official and/or Department Head knows that it will become available within a reasonable amount of time. A "reasonable amount of time" should be determined on a case-by-case basis considering relevant facts, such as whether the employer, based on experience, can anticipate that an appropriate position will become vacant within a short period of time. A position is considered vacant even if an employer has posted a notice or announcement seeking applications for that position. The ADA does not require Hamilton County to bump a current employee from a job in order to create a vacancy; nor does it have to create a new position.

Accommodations may not create an "undue hardship" for the County or other employees. An individual who cannot be reasonably accommodated for a job, without undue hardship, will not be selected for that position vacancy or continue working in their current position. "Undue hardship" means significant difficulty or expense and focuses on the resources and circumstances of an employer in relationship to the cost or difficulty of providing a specific accommodation. Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operations.

There are several modifications or adjustments that are not considered forms of reasonable accommodation. An employer does not have to eliminate an essential function, i.e., a fundamental duty of the position. This is because a person with a disability who is unable to perform the essential functions, with or without reasonable accommodation, is not a "qualified" individual with a disability within the meaning of the ADA.

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, and which threat cannot be eliminated by reasonable accommodation, will not be hired or retained. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave.

Further, disabled individuals cannot pose a direct threat to the safety of themselves or others. Generally, a "direct threat" means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

Benefits provided to disabled individuals who are qualified to perform the work are not different from the benefits provided to other employees.

Hamilton County requires a medical certification to support the request of a reasonable accommodation on the County's Medical Review form for the purpose of evaluating possible accommodations. County ADA forms (Reasonable Accommodation Request and Medical Review forms) are available in the Human Resources Department. Employees are responsible for completing these forms according to County processing procedures.

The County reserves the right to require physical or mental fitness for duty examinations. Moreover, if an individual provides insufficient information from his or her physician or health care professional to substantiate a disability and/or need for reasonable accommodation, the County may require an opinion from an independent medical provider. First, the County will explain why the documentation is insufficient and allow the individual to provide the missing information in a timely manner. Hamilton County will pay for the second opinion, if requested by the County. Any medical examination, including fitness for duty examination, must be job-related and consistent with business necessity. This means that the examination must be limited to determining the existence of an ADA disability and the functional limitations that require reasonable accommodation(s).

Based on the medical information provided, Hamilton County will evaluate what, if any, reasonable accommodation may be extended to the employee. A



determination for granting or denying a reasonable accommodation will be delayed until medical certifications are provided by the employee.

**EXTENDED LEAVE OF ABSENCES:**

Permitting the use of accrued paid leave, or unpaid leave, is a form of reasonable accommodation when necessitated by an employee's disability. An employer does not have to provide paid leave beyond that which is provided to similarly situated employees.

Employees requesting leave for a disability under the ADA shall be unpaid leave unless specifically provided in this section. Employees shall utilize 1) banked Sick Leave 2) banked compensatory time; and 3) banked holiday float leave to complete their scheduled workweek when an absence is due to a qualifying event under the Americans with Disabilities Act (ADA). The employee shall be paid for these benefit hours as part of the employee's ADA leave time.

If an employee is paid accrued Sick Leave, compensatory time, banked holiday float leave time, excess benefit hours, Paid Time Off, Worker's Compensation or short-term disability leave, the employee shall be paid for that time as part of the employee's ADA leave when absent for a qualifying event under the ADA. All requests for paid leave must follow County policy as defined in each section describing paid leave benefits in this handbook. The Hamilton County Board of Commissioners has the discretion to waive any procedural requirements for the taking of any type of paid leave benefits.

**How should a supervisor handle leave for an employee covered by both the ADA and the Family and Medical Leave Act (FMLA)?**

The Elected Official and/or Department Head shall contact the Human Resources Department to evaluate and determine an employee's rights under each statute separately, and then consider whether the two statutes overlap regarding the appropriate actions to take.

Under the ADA, an employee who needs leave related to his/her disability is entitled to such leave if there is no other effective accommodation and the leave will not cause undue hardship.

**Extended leave requests and approval:** Extended leave requests must be in writing by the employee completing an Application for Leave of Absence. The employee must receive approval from the Elected Official and/or Department for all leave requests.

**Return from extended leave:** The returning employee must provide a fitness for duty release from their medical provider to their Elected Official and/or Department Head, and a copy submitted to the Human Resources and Auditor's Office of his/her intent to return to work. This notice must be provided prior to the leave expiration date.

If an employee fails to provide such notice of his/her intent to return to work and fitness for duty release from his/her medical provider, the County may consider the employee to have voluntarily resigned from employment with the County.

Members of the public, including individuals with disabilities and groups representing individuals with disabilities, are encouraged to submit suggestions to the ADA Personnel Coordinator/Human Resources Director, so the County might better meet the needs of individuals with disabilities pursuant to this policy.

Any individual who believes he or she has received treatment inconsistent with the policies set forth above or any other requirement of ADA, may file a complaint within one hundred and eighty (180) days of the date of the alleged discriminatory act or practice with County ADA Personnel Coordinator/Human Resources Director.

**1.8.1 Hamilton County Facilities and the ADA (Title II and Title VI):**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA") and Title VI of the Civil Rights Act of 1964, Hamilton County will not discriminate against qualified individuals with disabilities on the basis of disability or any individual on the grounds of race, color, national origin or sex in its services, programs, or activities.

***Effective Communication:*** Hamilton County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Hamilton County's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

***Modifications to Facilities, Policies and Procedures:*** Hamilton County will make all reasonable modifications to facilities, policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Hamilton County offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Hamilton County, should contact the office of Safety and Risk Management at 317-7701976 as soon as possible but no later than two (2) business days before the scheduled event.

The ADA does not require Hamilton County to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden upon the County or any of its departments.

Hamilton County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

**Concerns and Complaints:** Concerns that a facility, program, service, or activity of Hamilton County is not accessible to persons with disabilities or any person who believes he/she has been subjected to discrimination shall be directed to the *ADA Facilities Coordinator* at 317-770-1976. ***If there is a*** complaint, it should be submitted by the grievant and/or his/her designee as soon as possible but no later than 180 calendar days after the alleged violation to: ADA Facilities Coordinator/ Safety & Risk Manager, One Hamilton County Square, Suite 308, Noblesville, IN 46060.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

Within 15 calendar days after receipt of the complaint, the ADA Facilities Coordinator/Safety & Risk Manager or his/her designee will arrange to meet with the complainant to discuss the complaint and the possible resolutions. Within 21 calendar days of the meeting, the ADA Facilities Coordinator/Safety & Risk Manager or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of ***Hamilton County*** and offer options for substantive resolution of the complaint.

If the response by the ADA Facilities Coordinator/Safety & Risk Manager or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the County Commissioners or their designee.

Within 15 calendar days after receipt of the appeal, the County Commissioners or *their* designee will arrange to meet with the complainant to discuss the complaint and possible resolutions. Within 21 calendar days after the meeting, the County Commissioners or their designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Facilities Coordinator/Safety & Risk Manager or his designee, appeals to the County Commissioners or their designee, and responses from these two offices will be retained by Hamilton County for at least three years.

### **1.8.2 TITLE VI NON-DISCRIMINATION POLICY**

Title VI of the Civil Rights Act of 1964, as amended states that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial Assistance” (42 U.S.C. Section 2000d). Pursuant to this Act, the County will not exclude from participation in, deny the benefits of, or subject to discrimination any individual on the grounds of race, color, or national origin.

Title VI policy education and literature will be provided to all County employees. The County’s Title VI plan and policy, which includes the ADA/Section 504 plan, Limited English Proficiency plan, Title VI Coordinator contact information and complaint procedures, is available on the Hamilton County website at [www.hamiltoncounty.in.gov](http://www.hamiltoncounty.in.gov).

Hamilton County employees will be expected to follow the Title VI policy and plan. In addition, Hamilton County employees should make every effort to alleviate any barriers to service or public use that would restrict public access or usage, take prompt and reasonable action to avoid or minimize discrimination incidences and **immediately** notify the Title VI Coordinator, in writing, of any reported allegations of discrimination.

Title VI information will be publicly displayed in every County building and all places in which public meetings are held. The County is committed to ensuring that community involvement and outreach is done in a respectful and appropriate manner that will allow for diverse involvement. Public meetings, programs and activities will provide equitable opportunities for participation. The County will collect and analyze statistical information regarding demographics to assist in monitoring and ensuring nondiscrimination in all of its programs and activities.

All contractors, subcontractors and vendors who receive payments from Hamilton County where funding originates from any Federal assistance programs are subject to the provisions of Title VI of the Civil Rights Act of 1964, as amended. The County will include Title VI language, as per the Standard U.S. DOT Title VI Assurances Appendices A, B & C, as relevant and appropriate, in written agreements and bid notices. Written agreements shall not contain any form of discrimination, either written or implied.

The County will take prompt and reasonable actions to thoroughly investigate complaints. Any individual, who believes they have been subjected to discrimination, may file a complaint with the Hamilton County Title VI Coordinator. Complaint forms can be found on Hamilton County’s website: [www.hamiltoncounty.in.gov](http://www.hamiltoncounty.in.gov).

In order for the complaint to be considered, the complainant must file the appropriate documentation:

- 1) Within 180 days after the alleged act of discrimination; or
- 2) Where there has been a continuing course of alleged discriminatory conduct, on the date in which the alleged conduct was discontinued.

Complaints shall be made in writing and shall be signed by the complainant and/or the complainant's representative. Complaints must contain the following, and describe as completely as possible, the facts and circumstances surrounding the alleged discrimination:

- Name of the complainant.
- Contact information (telephone number, address and email).
- Basis for the allegation(s) (i.e., race, color, national origin, gender, age, etc.).
- A detailed description of the alleged discrimination (how, when,
- Where & why they believe they were discriminated against including the location(s), name(s) and contact information of all witnesses, if applicable).
- Any other information that is deemed significant.

If the complainant is unable or incapable of providing a written statement, a verbal complaint may be made to the Hamilton County Title VI Coordinator. Under these circumstances, the complainant will be interviewed, and the Hamilton County Title VI Coordinator will assist the complainant in completing a written statement.

Within fifteen (15) calendar days after receipt of the complaint, the Title VI Coordinator will arrange to speak or meet with the complainant to discuss the complaint and the possible resolutions if applicable. If a complaint is deemed incomplete, additional information will be requested. The complainant has sixty (60) business days to respond to the request for additional information. A complainant's failure to respond to the request within sixty (60) business days may result in the administrative closure of the complaint.

If Hamilton County does not have sufficient jurisdiction to investigate the complaint, the Title VI Coordinator will refer the complaint to the appropriate local, state or federal agency holding such jurisdiction. The Title VI Coordinator will notify the complainant or their representative, in writing, that the complaint is outside of Hamilton County's jurisdiction and where the complaint has been referred for further handling.

The Title VI Coordinator will conduct a complete and thorough investigation of complaints inside Hamilton County's jurisdiction and based upon the information obtained, will render a final written response letter to the complainant or their representative by registered mail or hand delivery within sixty (60) business days. The final written response will include a description of the complaint, a summary of the investigation and the findings of such, summaries of all individuals interviewed, and if appropriate, recommendations and resolutions. All written complaints, investigations and responses will be retained by Hamilton County for at least three (3) years.

A complainant's identity shall be kept confidential except to the extent necessary to complete the investigation. If it is necessary to disclose the complainant's identity to the alleged person who may have discriminated or a third-party, Hamilton County must first obtain the complainant's written consent. Hamilton County must also obtain the complainant's written consent before providing a copy of the complaint to any other individual(s) involved with the investigation.

For questions, comments or concerns regarding Hamilton County's Title VI plan and policy, please contact the Hamilton County's Safety & Risk Manager/ADA & Title VI Coordinator or the Hamilton County Human Resources Department.

## **Light Duty Status:**

### **1. Policy**

Temporary light-duty assignments, when available, are for employees who, because of injury, illness or disability, are temporarily unable to perform their regular assignments but who are capable of performing alternative duty assignments. Use of temporary light duty can provide employees with an opportunity to remain productive while convalescing as well as provide a work option for employees who may otherwise risk their health and safety or the safety of others by continuing to work when physically or mentally unfit for their regular position with the County. Therefore, it is the policy of Hamilton County that eligible personnel are given a reasonable opportunity to work in temporary light-duty assignments when available, and consistent with this policy. However, nothing in this section shall impose a duty on the County, any director, or Elected Official to provide an employee a light duty position. The County in its sole discretion may elect not to provide light duty to any employee.

### **2. Definitions**

**Eligible Personnel:** For purposes of this policy, any full-time employee of Hamilton County suffering from medically-certified illness, injury or disability requiring treatment of a licensed health care provider and who, because of injury, illness or disability, is temporarily unable to perform the essential functions of their job, but is capable of performing alternative assignments. The employee must be “qualified” to perform the essential functions of the alternative available assignment(s) to be eligible for a light duty status.

### **3. General Provisions**

- a. Temporary light-duty assignments are limited in number and variety.

Therefore:

- i. Personnel injured or otherwise disabled during normal working hours shall be given preference in initial assignment to light duty; and
  - ii. Assignments may be changed at any time.
- b. This policy in no way affects the privileges of employees under provisions of the Family and Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act, or other Federal and State laws.
- c. Assignment to temporary light duty shall not affect an employee’s pay classification, pay increases, promotions, and retirement benefits.

- d. No specific position shall be established for use as a temporary light-duty assignment, nor shall any existing position be designated or utilized exclusively for personnel on temporary light duty.
- e. The time limits for light duty assignments will vary for each position (department to department) as certain offices may endure a staffing hardship for a long-term light duty assignment. Light-duty assignments are strictly temporary and shall not exceed six (6) months in duration. An exception may be made with the approval of the Elected Official/Department Head based on meeting the business necessities of the County. At the end of the six (6) months of light duty status, personnel on temporary light duty who are not capable of returning to their original position shall pursue other options as provided by employment provisions of Hamilton County, Federal and State laws.
- f. Light-duty assignments shall not be made for disciplinary purposes.
- g. Employees may not refuse temporary light-duty assignments that are supported by and consistent with the recommendations of an attending physician or certified health care provider. An exception may be applicable under certain conditions following Local, State or Federal regulations.

#### 4. Temporary Light-Duty Assignments

- a. Temporary light-duty assignments may be drawn from a range of technical and administrative areas that include, but are not limited to, the following:
  - i. Administrative functions (e.g., special projects, data entry),
  - ii. Clerical functions (e.g., filing), or
  - iii. Communications (e.g., receptionist).
- b. Decisions on temporary light-duty assignments shall be made based upon the availability of an appropriate assignment given the applicant's knowledge, skills and abilities; availability of light-duty assignments; and the physical limitations imposed on the employee.
- c. Every effort shall be made to assign employees with duties consistent with their pay classification and job description. However, where appropriate, personnel may be assigned duties designated for personnel of other pay classifications and job descriptions. Employees thus assigned shall:
  - i. Retain the privileges of their original position but shall answer to the supervisor of the department to which they are assigned with regard to work responsibilities and performance; and



- ii. Retain the pay classification and related benefits of the position held prior to their assignment to temporary light duty.

5. Requests for and Assignment to Temporary Light Duty

- a. Requests for temporary light-duty assignments shall be submitted to the employee's immediate supervisor. Requests must be accompanied by a statement of medical certification to support a requested reassignment, which must be signed either by the treating physician or other licensed health care provider. The certificate must include an assessment of the nature and probable duration of the disability, prognosis for recovery, nature of work restrictions and an acknowledgment by the health care provider of familiarity with the light-duty assignment and the fact that the employee can physically assume the duties involved. The medical certification must be completed and returned within 15 days of the request for temporary light duty status.
- b. The request for temporary light duty and the physician's statement shall be forwarded to the County Safety and Risk Manager and Human Resources Department.
  - i. Hamilton County may require the employee to submit to an independent medical examination by a health provider of the County's choosing and expense. In the event the opinion of this second health provider differs from the foregoing health provider, the employee may request a third opinion at the employee's expense.
  - ii. The employee and representatives of Hamilton County shall cooperate and act in good faith in selecting any third health care provider, and both parties shall be bound by that medical decision.
- c. An employee who has not requested temporary light duty may be recommended for such assignment by submission of a request from the employee's immediate supervisor. Such a request must be accompanied by an evaluation of the employee conducted by a competent medical authority expressing the need for temporary light duty or by a request/order for a medical or psychological fitness-for-work examination.

Notice shall be provided to the employee of the proposed temporary light-duty assignment together with justification for the recommendation.

- d. As a condition of continued assignment to temporary light duty, employees shall be required to submit to regular physical assessments of their condition.

